

JUN. 17. 2004 4:30PM

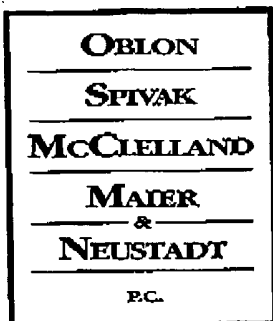
4th FLR.

NO. 075 P. 1

1756

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JUN 17 2004



ATTORNEYS AT LAW

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Total number of pages including this page: 18

OSMM&N File No. 249273US0DIV

Dept.: CHEMICAL

By: JDM/saf

Serial No. 10/786,549

In the matter of the Application of: Hiroto HIGUCHI, et al.

For: TONER METHOD FOR MANUFACTURING THE TONER, AND IMAGE FORMING METHOD
AND APPARATUS USING THE TONER

Due Date: N/A

☒ Dep. Acct. Order Form

☒ PTO Cover Letter

☒ Information Disclosure Statement

☒ PTO-1449

☒ Chinese Office Action

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JUN. 17. 2004 4:30PM

4th FLR.

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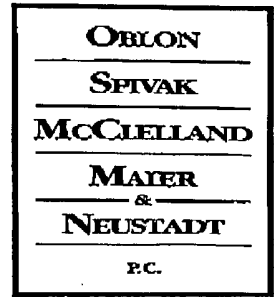
NO. 075 P. 2

JUN 17 2004

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Docket No.: 249273US0DIV

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

J. DEREK MASON
(703) 413-3000
DMASON@OBLON.COM

RE: Application Serial No.: 10/786,549

Applicants: Hiroto HIGUCHI, et al.

Filing Date: February 26, 2004

For: TONER, METHOD FOR MANUFACTURING THE
TONER, AND IMAGE FORMING METHOD AND
APPARATUS USING THE TONER

Group Art Unit:

SIR:

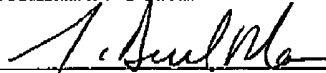
Attached hereto for filing are the following papers:

Information Disclosure Statement, Chinese Office Action, PTO Form 1449 (9 pp.)

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



J. Derek Mason, Ph.D.

Registration No. 35,270

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

1940 DUKE STREET ALEXANDRIA, VIRGINIA 22314 U.S.A.
TELEPHONE: 703-413-3000 FACSIMILE: 703-413-2220 WWW.OBLON.COM

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Docket No. 249273USODIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 17 2004

IN RE APPLICATION OF: Hiroto HIGUCHI, et al.

SERIAL NO: 10/786,549

GAU:

FILED: February 26, 2004

EXAMINER:

FOR: TONER, METHOD FOR MANUFACTURING THE TONER, AND IMAGE FORMING METHOD AND APPARATUS USING THE TONER

OFFICIAL

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- ☒ The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are NOT attached because they were previously filed in U.S. Application Serial No. 09/965,826, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☐ Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

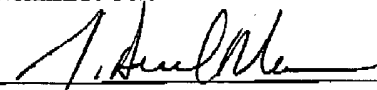
- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAJER & NEUSTADT, P.C.
Norman F. Oblon


J. Derek Mason, Ph.D.

Registration No. 35,270

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 05/03)



中华人民共和国国家知识产权局

邮政编码: 香港九龙尖沙咀东部科学馆道一号康宏广场两座 18 楼 1805-6 室 永新专利商标代理有限公司 黄剑锋		发文日期
申请号: 011313625		
申请人: 株式会社理光		
发明创造名称: 图像形成用墨粉、图像形成方法及其装置		

第一次审查意见通知书

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以某在:

JP	专利局的申请日	2000 年 09 月 29 日	为优先权日,
JP	专利局的申请日	2000 年 10 月 25 日	为优先权日,
JP	专利局的申请日	2001 年 02 月 02 日	为优先权日,
JP	专利局的申请日	2001 年 08 月 01 日	为优先权日,
	专利局的申请日	年 月 日	为优先权日。

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。
- ☐ 申请人于 年 月 日和 年 月 日提交了修改文件。
 经审查, 申请人于: 年 月 日提交的 不符合实施细则第 51 条的规定;
 年 月 日提交的 不符合专利法第 33 条的规定;
- 审查针对的申请文件:

<input checked="" type="checkbox"/> 原始申请文件。	<input type="checkbox"/> 审查是针对下述申请文件的
申请日提交的原始申请文件的权利要求第	项、说明书第
年 月 日提交的权利要求第	项、说明书第
年 月 日提交的权利要求第	项、说明书第
年 月 日提交的权利要求第	项、说明书第
年 月 日提交的说明书摘要,	年 月 日提交的摘要附图。
- ☐ 本通知书是在未进行检索的情况下作出的。
☒ 本通知书是在进行了检索的情况下作出的。
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期(或抵触申请的申请日)
1	US5935751A	1999 年 8 月 10 日
- 审查的结论性意见:

<input type="checkbox"/> 关于说明书:
<input type="checkbox"/> 申请的内容属于专利法第 5 条规定的不授予专利权的范围。
<input type="checkbox"/> 说明书不符合专利法第 26 条第 3 款的规定。
<input type="checkbox"/> 说明书不符合专利法第 33 条的规定。

21301

2002.8


 回函请寄: 100088 北京市海淀区衙门桥西土城路 6 号 国家知识产权局专利局受理处收
 (注: 凡寄给审查员个人的信函不具有法律效力)

申请号 011313625

☐ 说明书的撰写不符合实施细则第 18 条的规定。☒ 关于权利要求书:

- ☐ 权利要求 不具备专利法第 22 条第 2 款规定的新颖性。
☒ 权利要求 22 不具备专利法第 22 条第 3 款规定的创造性。
☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。
☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。
☒ 权利要求 34 不符合专利法第 26 条第 4 款的规定。
☐ 权利要求 不符合专利法第 31 条第 1 款的规定。
☐ 权利要求 不符合专利法第 33 条的规定。
☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。
☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。
☒ 权利要求 1-21, 23-34 不符合专利法实施细则第 20 条的规定。
☐ 权利要求 不符合专利法实施细则第 21 条的规定。
☐ 权利要求 不符合专利法实施细则第 22 条的规定。
☒ 权利要求 9-12, 14, 18, 20 不符合专利法实施细则第 23 条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

☐

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 2 页, 并附有下列附件:

- ☒ 引用的对比文件的复印件共 1 份 24 页。 ☐

审查员: 付晖

2004 年 2 月 26 日

审查部门 审查协作中心

21301
2002.8回函请寄: 100088 北京市海淀区前门桥西土城路 6 号 国家知识产权局专利局受理处收
(注: 凡寄给审查员个人的信函不具有法律效力)

第一次审查意见通知书正文

本发明专利申请涉及一种本申请涉及一种 电子照相法、静电记录法、静电印刷法等中使静电潜像显影时使用的图像形成方法、图像形成装置以及在其中使用的图像形成墨粉，经审查，现提出如下的审查意见。

权利要求1请求保护一种图像形成用墨粉，该权利要求是一个产品权利要求，申请人应就该墨粉的成分等特征进行描述，而该权利要求仅仅是对墨粉的形成条件和性质做了描述，因此造成权利要求请求保护的类型不清楚，不符合专利法实施细则第二十条第一款的规定。由于权利要求1不清楚，因此引用权利要求1的从属权利要求也不符合专利法实施细则第二十条第一款的规定。

申请人应当对上述一组权利要求进行修改，由于对比文件1公开了该组权利要求的大部分技术特征，因此在修改时，申请人应当参照对比文件1中已经公开的内容进行，使得新修改的权利要求具有新颖性和创造性，并在意见陈述书中陈述新修改的权利要求具有新颖性和创造性的理由。

从属权利要求 9 本身是一个多项从属权利要求，它引用了在前的多项从属权利要求 6，因此不符合专利法实施细则第二十三条第二款的规定。申请人应当对该权利要求的引用关系进行修改。同样的理由，权利要求 10-12、14、18、20 也不符合专利法实施细则第二十三条第二款的规定。

权利要求 22 请求保护一种图像形成用墨粉的制作方法，对比文件 1 是一篇与其十分相关的对比文件，其中（见说明书 17-18 栏例 1，说明书 23-24 栏例 9）披露了以下技术特征：该墨粉形成用墨粉至少含有粘结树脂和脱模剂，粘结树脂包含非线状聚合物树脂（R-3）、线状聚合物树脂（R-1）及树脂（R-4），树脂（R-4）是通过使用含有缩聚类树脂的原料单体和加聚类树脂的原料单体的混合物，在同一反应容器中同时并行进行缩聚反应和加聚反应，上述聚合物都含有同种聚合物单元；将至少含有粘结树脂和脱模剂的混合物熔融混炼；冷却上述混合物，使其固化；粉碎固化的混合物；分级，制得墨粉粒子。对比文件 1 公开了权利要求 22 的全部特征，本领域普通技术人员在对比文件 1 的基础上，将上述特征结合而得到权利要求 22 所要求保护的技术方案对本领域普通技术人员来说是显而易见的，因此权利要求 22 不具有突出的实质性特点和显著的进步，不具备专利法第二十二条第三款规定的创造性。

权利要求 23 请求保护一种双组份图像形成用显影剂，每组独立权利要求应当相对独立，而该独立权利要求引用了在先的一组权利要求，因此造成权利要求 23 不清楚，不符合专利法实施细则第二十条第一款的规定。同样的理由，权利要求 25、27、29、32、33、34 也不符合专利法实施细则第二十条第一款的规定。由于上述权利要求不清楚，造成引用它们的权利要求 24、26、28、30、31 也不符合专利法实施细则第二十条第一款的规定。

权利要求 34 中出现的“第 1 规制部件”、“第 2 规制部件”在说明书中没有记载，因此得不到说明书的支持，不符合专利法第二十六条第四款的规定。

基于上述理由，本申请按照目前的文本是不能接受的。申请人应根据上述审查意见在指定的期限内陈述意见或对申请文件进行修改。修改时应注意满足专利法第三十三条的规定，修改不得超出原说明书和权利要求书的范围。同时，申请人应当针对新修改的权利要求对本发明的技术方案部分做适应性修改，使所有的独立权利要求得到说明书形式上的支持。如果修改后的文本仍未克服本通知书所指出的各项缺陷，该申请将被驳回。

SHEET 1 OF 9

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 249273US DIV		SERIAL NO. 10/786,549	
LIST OF REFERENCES CITED BY APPLICANT				APPLICANT Hiroto HIGUCHI, et al.			
				FILING DATE February 26, 2004		GROUP	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	5,882,832	03/16/99	TOSAKA, ET AL.			
	AB	5,429,901	07/04/95	MUTO, ET AL.			
	AC	5,368,872	11/29/94	YAMASHITA, ET AL.			
	AD	5,168,028	12/01/92	NANYA, ET AL.			
	AE	4,956,258	09/11/90	WATANABE, ET AL.			
	AF	4,908,290	03/13/90	WATANABE, ET AL.			
	AG	6,004,715	12/21/99	SUZUKI, ET AL.			
	AH	6,074,794	06/13/00	FUSHIMI, ET AL.			
	AI	6,010,814	01/04/00	KOTSUGAI, ET AL.			
	AJ	6,180,298	01/30/01	KURODA, ET AL.			
	AK	6,074,795	06/13/00	WATANABE, ET AL.			
	AL	6,103,441	08/15/00	TOMITA, ET AL.			
	AM	6,303,258	10/16/01	KATOH, ET AL.			
	AN						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO		
	AO						
	AP						
	AQ						
	AR						
	AS						
	AT						
	AU						
	AV						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AW						
	AX						
	AY						
	AZ					<input type="checkbox"/> Additional References sheet(s) attached	
Examiner					Date Considered		
<small>*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>							

SHEET 2 OF 9

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 249273US0DIV		SERIAL NO. 10/786,549	
LIST OF REFERENCES CITED BY APPLICANT				APPLICANT Hiroto HIGUCHI, et al.			
				FILING DATE February 26, 2004		GROUP	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	5,935,751	08/10/99	MUTSUOKA, ET AL.			
	AB	4,702,986	10/27/87	IMAI, ET AL.			
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO		
	AO	0 872 774	10/21/98	EUROPE			
	AP	0 926 563	06/30/99	EUROPE			
	AQ	1 168 089	01/02/02	EUROPE			
	AR						
	AS						
	AT						
	AU						
	AV						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AW	Patent Abstracts of Japan, JP 2000-075536, March 14, 2000.					
	AX	Chinese Office Action w/ corresponding U.S. Application 5,935,751.					
	AY						
	AZ					<input type="checkbox"/> Additional References sheet(s) attached	
Examiner					Date Considered		
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 249273US0DIV		SERIAL NO. 10/786,549	
LIST OF REFERENCES CITED BY APPLICANT				APPLICANT Hiroto HIGUCHI, et al.			
				FILING DATE February 26, 2004		GROUP	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	5,554,478	09/10/96	KURAMOTO, ET AL.			
	AB	5,403,690	04/04/95	KURAMOTO, ET AL.			
	AC	5,879,849	03/09/99	SAWADA, ET AL.			
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
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SHEET 4 OF 9

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 249273US0DIV		SERIAL NO. 10/786,549	
LIST OF REFERENCES CITED BY APPLICANT				APPLICANT Hiroto HIGUCHI, et al.			
				FILING DATE February 26, 2004		GROUP	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	5,288,577	02/22/94	YAMAGUCHI, ET AL.			
	AB	6,303,257	10/16/01	HASEGAWA, ET AL.			
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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	5,721,083	02/24/88	MASUDA, ET AL.			
	AB	5,554,478	09/10/96	KURAMOTO, ET AL.			
	AC	5,403,690	04/04/95	KURAMOTO, ET AL.			
	AD	5,344,732	09/06/94	CHIBA, ET AL.			
	AE	4,980,258	12/25/80	AOKI, ET AL.			
	AF	4,933,250	06/12/90	NAKAYAMA, ET AL.			
	AG	4,950,573	08/21/90	YAMAGUCHI, ET AL.			
	AH	4,762,763	08/09/88	NOMURA, ET AL.			
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SHEET 6 OF 9

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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	6,363,229	03/28/02	SHIRAIISHI, ET AL.			
	AB	6,258,502	07/10/01	NAKAMURA, ET AL.			
	AC	6,406,826	06/18/02	SUZUKI, ET AL.			
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				FILING DATE February 26, 2004		GROUP	
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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
	AA	6,360,068	03/19/02	KINOSHITA, ET AL.			
	AB	6,395,443	05/28/02	KURODA, ET AL.			
	AC	6,403,275	06/11/02	KURAMOTO, ET AL.			
	AD	6,432,589	08/13/02	UCHINOKURA, ET AL.			
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	6,335,137	01/01/02	SUZUKI, ET AL.			
	AB	6,168,894	01/02/01	AOKI, ET AL.			
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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
	AA	6,337,957	01/08/02	TAMAKI, ET AL.			
	AB	6,442,364	08/27/02	KAI, ET AL.			
	AC	6,468,706	10/22/02	MATSUDA, ET AL.			
	AD	6,507,718	01/14/03	OHJIMI, ET AL.			
	AE	6,505,014	01/07/03	AOKI, ET AL.			
	AF	6,238,835	05/01	TAVERNIER, ET AL.			
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